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EXAMINER	
STRANGE, AARON N	

ART UNIT	PAPER NUMBER
2153	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	09/813,926	WERNER ET AL.	
	Examiner	Art Unit	
	AARON STRANGE	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-44,46-75,77-112 and 114-136* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13-44,46-75,77-112 and 114-136* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.

2. In the interest of expedited prosecution, the Examiner would like to recommend conducting an interview prior to filing a response to the present Office action. The Examiner feels that an interview would help foster a mutual understanding of the respective positions of Applicant and the Examiner, and assist in the identification of allowable subject matter and/or issues for appeal. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

Response to Arguments

3. Applicant's arguments with respect to the rejection of claim 44 under 35 U.S.C. § 112, second paragraph have been fully considered and are persuasive. Applicant's amendments to claims 24, 25, 46, 47, 58, 80, 81, 91, 92, 125 and 126 are sufficient to overcome the remaining rejections under 35 U.S.C. § 112, second paragraph. Accordingly those rejections have been withdrawn.

4. With regard to the 35 U.S.C. § 103(a) rejections, and Applicant's assertion that the combination of AAPR, Thompson, Levi and Katinsky fails to teach or suggest "displaying at least one status indicator in response to said first instruction" (Remarks 29), the Examiner respectfully disagrees. Levi teaches inserting information such as the

duration of a movie, the amount of time to buffer before beginning playback, and the size of the stream (col. 4, ll. 38-50). Katisky teaches displaying status information about the amount of a stream that has been played and the amount that remains to be played, but fails to explicitly state the source of the status information. When properly considered in combination, Levi and Katinsky teach displaying status information based on instructions contained in the source file. Levi's instructions tell the receiver the duration of an entire stream without requiring the stream to be fully downloaded. When combined with Katinsky's teaching of displaying status information, it would have been obvious to one of ordinary skill in the art to display the status information based on the instructions contained in the source file.

5. With regard to claim 136, and Applicant's assertion that Katinsky does not teach or suggest "that a mode flag is used to indicate the mode in which the video is to be opened" (Remarks 31), the Examiner respectfully disagrees. Katinsky explicitly teaches that images larger than the default window size will display full size (col. 6, ll. 45-60). Since the size information of the image is contained within the image, it operates as a "mode flag" to tell the client what size window (mode) to open the image in.

Claim Objections

6. Claim 1 is objected to because of the following informalities: There appears to be a typographical error "said displaying in response to said first instruction includes displaying". Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-6, 8-11, 13-16, 27-34; 35-39, 41-44, 49, 60-67; 68-73, 75-78, 80-83, 94-101; 102-107, 109-112, 114-117, 133-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art (AAPR), Thompson et al. (US Pub no. 2002/10077900) and Katinsky et al. (US patent 6,452,609).

9. In considering independent claims 1, 68, & 102, AAPR provides a method comprising:

displaying in a user interface at said user computer a web page containing at least one link to an electronic video file, selecting said link to request said video file [see Applicant specification page 1];

downloading said video file to said user computer in response to said request, detecting by said user computer an initial receipt of said video file, and opening is said user interface a window of a video player, reading said video file by said player to play said video in said window [page 2 1st paragraph].

The AAPR does not automatically open the video player in a full screen mode.

In similar art of streaming video, Thompson teaches at initial receipt of the video file, automatically opening in said user interface a window of a video player in full screen mode [fig. 4, step26, [0025]].

Thompson discloses that it is advantageous to display video in full screen mode because it captures the user attention and decreases the chances of the user interrupting the video playback ([0025], [0026]). Hence, one of ordinary skill in the art would have been motivated to launch a video player in full screen mode because it would have provided larger display area and captured full attention of the user.

AAPR and Thompson does not teach encoding the video file with plurality of tracks, inserting instructions into one of the tracks, wherein the instructions include instruction relating to the download status and displaying a status indicator.

In similar field of invention, Levi teaches a format for multiple media streams transmission. Levi teaches providing a plurality of tracks (col.3 line 55 to col.4 line 10: audio, video, index, header), inserting instructions into one of the tracks including instruction regarding status information (col.4 lines 38-50 properties, play-duration, markers; and col.7 lines 32-42 script commands). Levi discloses the format permit streaming of varying media, varying packet sizes, flexible timing and error correction (see col. 1 lines 15-30). Hence, it would have been obvious for on of ordinary skill in the art to use the stream format of Levi with Thompson because it would have provided improved media streaming format.

Thompson and Levi do not specifically disclose displaying download status information. Displaying download status while receiving a video stream is well known in

the art. In similar art of providing video streaming, Katinsky discloses a video player user interface having download status display (see fig.7 #112, #110, #114; col.6 lines 12-18: amount remains to be played, current media status, total duration, elapsed time). It would have been obvious for one of ordinary skill in the art to have instruction for display the download status of the video file because it would have enable to see the status and know his current viewing position.

10. In considering claims 35, 36 and 136, it is rejected under similar rationale as for claim 1 above. However, Thompson does not specifically disclose the browser open the video according to a mode flag in the header of the video file. It is known in the art to specify a display size in the header of the video file. Katinsky discloses opening in video in a size specified by in the video file (see col.6 lines 45-60). Thompson discloses that it is desirable to open advertisement video in a full-screen mode ([0025], specifically lines 13-15). Hence, providing a mode flag in the header of the video file to specify the default viewing size, including a full-screen mode, would have been obvious to one of ordinary skill in the art because it would have enabled video advertisement producers to effectively control the presentation of their ads.

11. In considering claims 2, 69, &103, the AAPR discloses:

detecting by said web server of header information for said video file and launching by said web browser said player [pages 1-2].

12. In considering claims 3, 71 & 105, Thompson does not teach detecting a mode flag and opening a window according the mode flag. These claims are rejected under the same obviousness rationale as stated for claim 35 above.

13. In considering claims 4, 37, 70, & 104, Thompson discloses:

said opening occurs absent user interaction [fig. 4, step 26, [0025]].

14. In considering claims 5, 38, 72, & 106, AAPR and Thompson teach:

sending a request from said user computer to a server at which said video file is locatable and in response to said request, downloading said video file from said server to said user computer ([Spec. pages 1-2], [Thompson [0022],[0025]).

15. In considering claims 6, 39, 73, & 107, Thompson discloses:

said reading occurs contemporaneously with said downloading [("streaming video") [0025], claim 12].

16. In considering claims 8, 41, 75 & 109, Levi teaches reading the instruction and displaying in the window information according to the instruction (apparent from col.7 lines 32-37, 55-64; col.8 lines 1-5).

17. In considering claims 9-10, 42-43, 76-77, 110-111, Levi teaches inserting instruction to display a URL to a select website (col.7 lines 65-67). It is apparent that the display of the URL would involve displaying a hyperlink anchor.

18. In considering claims 11, 44, 78, 112, Levi does not specifically disclose displaying an icon anchored to the URL. It well known in the art to have icon anchored to a URL (e.g. buttons, arrows, images). It would have been obvious for one of ordinary skill in the art to display an icon anchored to the URL because it would have provided a compact visual representation of the hyperlink.

19. In considering claims 13, 46, 80, 114, Katinsky teaches displaying continuously refreshable status bar (col.6 lines 10-17, current position, time elapsed, etc.).

20. In considering claims 14, 47, 81, 115, Katinsky teaches displaying continuously refreshable hash mark (fig.7 the left portion of the progress bar 110).

21. In considering claims 15, 48, 82, 116, Levi teaches inserting instruction to additional video content (col.8 lines 1-5). It is apparent that the player would play the additional video according to the instruction inserted.

22. In considering claims 16, 49, 83, 117, Thompson discloses:

said opening includes generating in said window a viewing screen area and a border adjacent at least one edge of said viewing screen area, said video being played in said viewing screen area [fig. 4, step26, [0025] - apparent from displaying in a full-screen mode].

23. As per claims 27-28, 60-61, 94-95 Levi teaches inserting instruction to additional video content (col.8 lines 1-5). Levi does not specifically disclose displaying a button for the additional video. It well known in the art to have a display button representing link to content. It would have been obvious for one of ordinary skill in the art to display button linked to the additional video because it would have provided a compact visual control to retrieve the additional video. It is apparent that activation of the button would download the additional video file.

24. As per claims 29, 62, 96, the limitations of inserting instruction for the display of the button would be apparent from Levi as modified in order to instruct the player to display the button linking to the additional video file.

25. As per claims 30, 63, 97, providing unique association of a button to a video file would have been obvious. One of ordinary skill in the art would have been motivate to distinguish the button so as to enable a user to visually distinguish the contents associated with the buttons.

26. As per claims 31, 64, 98, it is apparent in the system as modified that selecting the button would plays the video linked to the button.

27. As per claims 32, 65, 99, 133 it is apparent in the system as modified that the handler of the player must read the instruction from the stream and monitoring the download to provide status information to be displayed.

28. As per claims 33, 66, 100, 134, Katinsky discloses the video stream has information about the size of the video (col.6 line 50 default size of the media).

29. As per claims 34, 67, 101, 135, Levi teaches the instruction include download management of the video file (col.4 lines 37-60, properties: number of packets, play duration, preroll, max, min_packet_size, etc.).

30. Claims 7, 40, 74 & 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPR, Thompson, Levi and Katinsky as applied to claims 1, 35, 68 and 102 above, and further in view of Abato et al. (US 6,513,069).

31. In considering claims 7, 40, 74, & 108, while Thompson discloses downloading a video file to a user computer, Thompson does not explicitly disclose compressing and decompressing the video file. Nonetheless, in analogous art, Abato discloses downloading a video to a user computer (col. 5, lines 41-49). Abato further discloses:

compressing said video file prior to said downloading [col. 5, lines 49-53; and

decompressing said video file contemporaneously with said reading [col. 10, lines 56-67].

Given the teachings of Abato, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system/method disclosed by Thompson where the video file would be compressed prior to downloading and decompress contemporaneously with said reading. This would have been a desirable feature to minimize resources by utilizing a lower bandwidth to transmit the video files over the Internet.

32. Claims 17-26, 50-59, 84-93, 118-132 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPR, Thompson, Levi and Katinsky as applied to claims 1, 35, 68 and 102 above, and further in view of Smith (US 6,448,986).

33. As per claims 17, 50, 84, 118, Levi teaches encoding the video with a plurality of tracks and inserting instruction into a selected one of the tracks (col.4 lines 38-50 properties, play-duration, markers; and col.7 lines 32-42 script commands). It is apparent that a handler at the client must read the instruction to carry out the inserted instruction. Levi teaches providing instrution to another video file. It is apparent that the video would be play within the screen area. The Thompson, Levi and Katinsky do not specifically disclose displaying in a border adjacent to one edge of the screen area. It is well known in the art to display information or controls at an edge of the screen area so as to minimize

occupation of the display area. In analogous art of user interface, Smith teaches providing GUI controls at an edge of the display area (see fig.2, col.7 lines 5-40) so as to reduce impinging upon or masking image in the work area of the screen (col.4 lines 65-68). Hence, one of ordinary skill in the art would have been motivated to display information or controls in a bar next to an edge of the display area because it would have reduced impinging and maximized the amount of viewable data area.

34. As per claims 18-19, 51-52, 85-86, 119-120, Levi teaches inserting instruction to display a URL to a select website (col.7 lines 65-67). It is apparent that the display of the URL would involve displaying a hyperlink anchor.

35. As per claims 20, 53, 87, 121, Levi does not specifically disclose displaying an icon anchored to the URL. It well known in the art to have icon anchored to a URL (e.g. buttons, arrows, images). It would have been obvious for one of ordinary skill in the art to display an icon anchored to the URL because it would have provided a compact visual representation of the hyperlink.

36. As per claims 21-22, 54-55, 88-89, 122-123, Katinsky teaches displaying continuously refreshable status bar (col.6 lines 10-17, current position, time elapsed, etc.).

37. As per claims 23, 56, 90, 124, Katinsky teaches displaying continuously refreshable hash mark (fig.7 the left portion of the progress bar 110).

38. As per claims 24, 57, 91, 125, Levi teaches inserting instruction to additional video content (col.8 lines 1-5). It is apparent that the video would be displayed in the screen area.

39. As per claims 25-26, 58-59, 92-93, 126-127, Levi does not specifically disclose displaying a content prior to playing the video. Levi discloses providing a 'preroll' delay time to buffer the data before starting to play (col.4 lines 47-50). Hence, it would have been obvious for one of ordinary skill in the art to display a low bandwidth content (such as a static image or text message) because it would have kept the user informed while the media player buffered the stream data.

40. As per claims 128-129, Levi teaches inserting instruction to additional video content (col.8 lines 1-5). Levi does not specifically disclose displaying a button for the additional video. It well known in the art to have a display button representing link to content. It would have been obvious for one of ordinary skill in the art to display button linked to the additional video because it would have provided a compact visual control to retrieve the additional video. It is apparent that activation of the button would download the additional video file.

41. As per claim 130, the limitations of inserting instruction for the display of the button would be apparent from Levi as modified in order to instruct the player to display the button linking to the additional video file.

42. As per claim 131, providing unique association of a button to a video file would have been obvious. One of ordinary skill in the art would have been motivate to distinguish the button so as to enable a user to visually distinguish the contents associated with the buttons.

43. As per claim 132, it is apparent in the system as modified that selecting the button would plays the video linked to the button.

Conclusion

44. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

/A. S./
Examiner, Art Unit 2153